

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

Claims 1-17 (Cancelled).

18. (Currently Amended) A transmitting apparatus comprising:

a coding section that encodes a transmit signal and outputs systematic bit data and parity bit data;

a spreading section that performs spreading processing of the systematic bit data and the parity bit data, with a spreading ratio of "1";

a multiplexing section that code-multiplexes the systematic bit data and the parity bit data subjected to spreading processing in said spreading section, with a code multiplexing number of "1";

an insertion section that inserts a first guard interval in the systematic bit data ~~code-~~ multiplexed in said multiplexing section and inserts a second guard interval in the parity bit data ~~code-multiplexed in said multiplexing section;~~ and

a control section that sets a length of the first guard interval longer ~~larger~~ than a length of the second guard interval and lengthens the length of the first guard interval ~~or the second guard interval~~ in accordance with an increase in a number of retransmissions of the systematic bit data and the parity bit data.

Claims 19 and 20 (Cancelled).

21. (Previously Presented) The transmitting apparatus according to claim 18, further comprising an allocation section that allocates the systematic bit data and the parity bit data to different symbols.

22. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to delay distribution information.

23. (Previously Presented) The transmitting apparatus according to claim 22, wherein said delay distribution information is transmitted from a communicating party.

24. (Previously Presented) The transmitting apparatus according to claim 22, further comprising a detection section that detects said delay distribution information from a received signal.

25. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to a transmission time interval.

26. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to a used band.

27. (Currently Amended) The transmitting apparatus according to claim 26, wherein said control section makes the length of the first guard interval and the length of the second guard interval longer ~~larger~~ in proportion as a ratio of said used band to a band whose use is permitted is smaller.

Claims 28 and 29 (Cancelled).

30. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section makes a length of the first guard interval and a length of the second guard interval upon retransmission of the systematic bit data and the parity bit data, an integral multiple of a length of the first guard interval and a length of the second guard interval upon first transmission of the systematic bit data and the parity bit data.

31. (Previously Presented) A base station apparatus comprising a transmitting apparatus according to claim 18.

32. (Previously Presented) A communication terminal apparatus comprising a transmitting apparatus according to claim 18.

33. (Currently Amended) A guard interval setting method comprising:

- a step of encoding a transmit signal and outputting systematic bit data and parity bit data;
- a step of performing spreading processing of the systematic bit data and the parity bit data  
outputted, using a spreader, with a spreading ratio of "1";
- a step of code-multiplexing the systematic bit data and the parity bit data subjected to  
spreading processing, using a multiplexer, with a code multiplexing number of "1";
- a step of inserting a first guard interval in the code-multiplexed systematic bit data and  
inserting a second guard interval in the code-multiplexed parity bit data; and
- a step of setting a length of the first guard interval longer ~~larger~~ than a length of the  
second guard interval and lengthening the length of the first guard interval, in a control section,  
~~or the second guard interval~~ in accordance with an increase in a number of retransmissions of the  
systematic bit data and the parity bit data.